

DEAN RHODES,)
Petitioner,)
)
vs.)
)
PARKWAY SCHOOL DISTRICT,)
Respondent,) Public Case No. RD 2009-038
)
and)
)
COMMUNICATION WORKERS OF AMERICA,)
Incumbent.)

In this case a member of a Board-certified bargaining unit of workers in the Maintenance and Grounds Unit of the Parkway School District petitions for decertification of the union that has been designated as the unit's bargaining representative.

The Board decision issued in Public Case No. R 96-004, called for separate elections for two units at Parkway School District – a Maintenance and Grounds Unit and a Custodial and Warehouse Unit. With regard to the future of the two units, the Board stated:

The parties have never taken the action necessary to combine the two units existing at the District. Thus, the units remain separate.

As separate units, members of either may petition for decertification of their own unit. In fact, a member of the Maintenance and Grounds Unit filed such a petition in 2006 (Case No. 2006-023). A decertification election for just the Maintenance and Grounds Unit was held without objection by the Union. Decertification in that unit failed at that time. Petitioner here is petitioning for the same thing as occurred in 2006 without the Union's objection. Further, the Union still did not take any action to combine the two units into one. There are still two units.

Because there are two units, the petition filed here for decertification of one of the units by a member of that unit is valid. Petitioner has also provided an adequate showing among fellow Maintenance and Grounds Unit members that they no longer desire to be represented for purposes of collective bargaining by their certified bargaining representative.

ORDER

The Board having heard the evidence and reviewed the briefs find the petition for decertification to be valid and orders that a decertification election in the Maintenance and Grounds Unit be held.

DIRECTION OF ELECTION

A secret ballot election shall be conducted by the Chairman of the State Board of Mediation, or its designated representative, among the employees in the Maintenance and Grounds unit as early as possible, but not later than 45 days from the date below. The exact time and place will be set forth in the notice of elections to be issued subsequently, subject to the Board's rules and regulations. The employees eligible to vote are those who were employed during the payroll period immediately preceding the date below, including employees who did not work during the period because of vacation or illness. Ineligible to vote are those employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election.

It is hereby ordered that the District shall submit to the Chairman of the State Board of Mediation, as well as to the Union, within 14 calendar days from the date of this decision, an

alphabetical list of names and home addresses of employees in the Maintenance and Grounds unit who were employed during the payroll period immediately preceding the date of this decision.

Signed this 2nd day of February, 2010.



STATE BOARD OF MEDIATION

A handwritten signature in black ink, appearing to read "J. G. Avery".

James G. Avery, Chairman

A handwritten signature in black ink, appearing to read "Peggy T. Cochran".

Peggy Cochran, Employee Member

A handwritten signature in black ink, appearing to read "Emily Martin".

Emily Martin, Employer Member